

#12  
Draft  
3-3-03PATENT  
Attorney Docket No. 07675.0001-03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of: )  
  )  
Christer OWMAN                    )  
  )  
Application No.: 09/893,512       )     Group Art Unit: 1647  
  )  
Filed: June 29, 2001               )     Examiner: R. LANDSMAN  
  )  
For: HEPTAHELIX RECEPTOR AND     )  
    ITS USE AS LEUKOTRIENE B4     )  
    RECEPTOR                        )

RECEIVED

Assistant Commissioner for Patents  
Washington, D.C. 20231

FEB 21 2003

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In a Restriction Requirement dated August 19, 2002, the period for response to which having been extended to February 19, 2003, by the attaché Petition for Extension and fee, the Examiner required restriction under 35 U.S.C. § 121 between the claims of Group I (claims 16 and 19) and the claims of Group II (claims 25 and 26). Applicants provisionally elect to prosecute Group I, drawn to proteins comprising the sequence of SEQ ID NO:2, *with* traverse.

Accompanying this Response is an Amendment that, among other things, adds new claims 38-49. New claims 38-44 are directed to elected Group I. New claims 45-49 are directed to subject matter not represented in the application at the time of issuance of the Restriction Requirement. However, Applicant submits that claims 45-49 are related to elected Group I as a product (Group I) and a process of using (claims 45-49). Thus, Applicants respectfully request

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that, upon allowance of the claims of elected Group I, the Office consider rejoicing claims 45-49 in accordance with current examination practice.

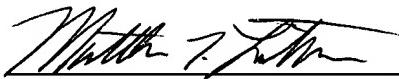
Although Applicant respectfully submits that the claims of elected Group I are sufficiently related to those of non-elected Group II (as a product and a method of using the product, respectively) that a thorough search of the subject matter of Group I would encompass a search for the subject matter of Group II, in an effort to expedite allowance of this application, in the Amendment filed along with this Response, non-elected claims 25 and 26 of Group II are cancelled.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:



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Date: February 19, 2003

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# ATCC

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Owman Invest AB  
Attn: Christer Owman  
Smaviltsgränden 6  
SE-22652 Lund  
Sweden

Deposited on Behalf of: Owman Invest AB, Lund, Sweden

Identification Reference by Depositor:

Patent Deposit Designation

Plasmid: Clone Lyme 21-9

PTA-4543

The deposit was accompanied by:        a scientific description        a proposed taxonomic description indicated above.

The deposit was received July 11, 2002 by this International Depository Authority and has been accepted.

AT YOUR REQUEST:   X   We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested September 5, 2002. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: October 2, 2002

cc: Kenneth J. Meyers  
(Ref: Docket or Case No.: 07675.0001-01000)



To whom it may concern

**Re: Error in the listed nucleotide sequence of cDNA clone, Lyme21-9, encoding the chemoattractant receptor-like 1, CMKRL1, later identified at the leukotriene B4 receptor 1, BLTR1.**

The original nucleotide sequence was obtained by the undersigned Professor Christer Owman, PhD, MD using Sanger's manual dideoxynucleotide sequencing method. With the use of an automatic sequencer, the undersigned Jesper Bristulf, PhD, later discovered the errors when performing re-sequencing of the cDNA in a project in which Lyme21-9 was going to be mutated in select regions. Dr. Bristulf was at that time, and is still, working within the same research group as Dr. Owman.

This is to certify that the errors in the nucleotide sequence appearing in the sequence listing represent simple reading errors, with no deceptive intent.

Lund, January 20, 2003

A handwritten signature consisting of stylized initials and the last name "OWMAN".

Christer Owman, PhD, MD

Division of Molecular Neurobiology  
Wallenberg Neuroscience Center  
Lund University, Sweden

Attested:

A handwritten signature consisting of stylized initials and the last name "BRISTULF".

Jesper Bristulf, PhD